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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,706	12/13/2000	Gabriel Guary	35711-00001	3249

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EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,706

Applicant(s)

GUARY ET AL.

Examiner

Steven Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

MARK SAGER

PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 6, 8 and 10 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by '3DZoneMaster', collectively referenced to <www.proxy-ms.co.il/pegasus.htm> (1998), <www.mpog.com/reviews/hardware/controls/-techmedia/3dzone> (1997), <www.gamesdomain.co.uk/-gdreview/zones/review/hardware/-jan98/3dz_prnt.html> (Jan. 1998), <www.time.com/time/magazine/-1997/dom/971215/-techwatch.html> (Dec. 1997) and <www.gamersu.com/reviews/hardware.sap?id=11> (hereinafter "3DZoneMaster")

3DZoneMaster discloses a pistol-type pointing device for computer system. The references teach using the device as a substitute of typical computer input devices, such as a mouse or trackball. As suggested by its name, the device is intended for use as a controller in three-dimensional games. See *www.gamersu.com*, pp. 1-2; *www.gamesdomain.co.uk*, pp. 2-3. Particularly, the controller was sold bundled with the *VIRTUA SQUAD*; a 3-D pistol-shooting game for home computers released by Sega, Inc. in 1997 which, in turn, is derived by *VIRTUA COP*; a 3-D pistol-shooting arcade game released by Sega, Inc. in 1994. Thus, the references clearly teach a pistol-device for shooting games.

In regards to claim 1, *3DZoneMaster* teaches the following features:

- a. A display system which can display an image of a video game shooting system incorporating at least on virtual target wherein the image is representative of a viewing field of the a virtual actor; and a game processor having at least microprocessor which is connectable to the display system to control the image of the video game shooting system on the display system. More specifically, *3DZoneMaster* provides a pistol device for use with personal computing systems to play games such as *VIRTUA COP* wherein target images are displayed on a CRT as commanded by a processor executing game instructions wherein the images are representative of the player's field of view. See *www.gamesdomain.co.uk*, pp. 2-3.
- b. A pistol, connectable to the game processing means, comprising
 - i. A grip supporting a frame which defines a shooting axis. See *www.gamersu.com*, p. 1. More specifically, the device is formed to resemble a pistol with a grip and a barrel, wherein the barrel forms a frame that defines the shooting axis.
 - ii. Means for triggering shots being activated by the player to send a shooting instruction to the game processing means at an instant chose by the player. More specifically, the device provides a trigger button. See *www.proxy-ms.co.il*, p. 1. For example, in playing a shooting-game such a *VIRTUA COP*, the trigger button would send shooting instruction.
 - iii. Displacement of the shooting axis relative to the display system and the virtual actor is caused by an orientation of the frame of the pistol relative to the display system due to the player's action. See *www.gamesdomain.co.uk*, pp. 2-3.
 - iv. An integrated means to control a movement of the viewing field of the virtual actor, enabling the player to move the virtual actor in the video game shooting system and to shoot in a location at a moment chosen by the player. See *id.* As taught by the

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reference, players may use the hat-switch to move and the 3-D position sensor for changing the view. *See id.*

Consequently, the every feature of the claim is anticipated by *3DZoneMaster*.

In regards to claim 2, *3DZoneMaster* teaches an integrated multidirectional control device for controlling the movement of the viewing field of the virtual actor. *See id.*

In regards to claim 3, *3DZoneMaster* teaches the multidirectional control device enabling the player to move the virtual actor in at least one of left, right, forward and back directions. *See id.* Notably, the device is customizable to assign a variety of control inputs to the multidirectional control device. *See www.mpog.com, pp. 3-4; www.proxy-ms.co.il, p. 3.*

In regards to claim 6, *3DZoneMaster* teaches a switching button which enables the multidirectional control device to cause movement of the virtual actor's head. *See id.*

In regards to claim 8, *3DZoneMaster* teaches trigger means for triggering shots. More specifically, the device provides a trigger button. *See www.proxy-ms.co.il, p. 1.* In playing a shooting-game *VIRTUA COP*, the trigger button triggers shots at virtual targets on the display. *See www.gamesdomain.co.uk, pp. 2-3.*

In regards to claim 10, *3DZoneMaster* teaches a computer and monitor. *See www.mpog.com, pp. 1, 2 and 4.* More specifically, the device requires at least a IBM PC compatible 386 and a VGA monitor. *See id.*

Claim Rejections - 35 USC § 103

Claims 4, 5, 7, 9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *3DZoneMaster*.

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Response to Arguments

Applicant's arguments filed Sept. 9, 2002 have been fully considered but they are not persuasive. The Applicant asserts that the claimed invention is distinguished from the prior art for the following reasons:

- a. *3DZoneMaster* does not interact with the display system. As a result the device does not use a shooting axis and there is alignment between the player's eye, the pistol and the displayed target.
- b. *3DZoneMaster* requires a cursor to be displayed.
- c. *3DZoneMaster* does not disclose a pointing device including a light sensor.
- d. *3DZoneMaster* does not disclose a pistol comprising a frame defining a shooting axis that can be displaced by an orientation of the frame relative to the display.

In response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Here, the Applicant argues that the claimed invention distinguishes over *3DZoneMaster* because the reference does

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not disclose interaction with the display system; aiming without a cursor and a pointing device including a light sensor (i.e. a-c immediately above). None of these features are claimed.

In response to the Applicant's argument that *3DZoneMaster* does not disclose a pistol comprising a frame defining a shooting axis which can be displaced by an orientation of the frame relative to the display, the examiner respectfully disagrees. *3DZoneMaster* is clearly formed in a pistol shape having a grip and a barrel, wherein the barrel forms a frame that defines the shooting axis. See *www.gamersu.com*, p. 1. By pointing the barrel at different points on a display, the user is able to target and select displayed items. See *id.* In playing the shooting-game *VIRTUA COP*, the trigger button triggers shots at virtual targets on the display as aimed along the shooting axis. See *www.gamesdomain.co.uk*, pp. 2-3. Thus, *3DZoneMaster* teaches a pistol comprising a frame defining a shooting axis that can be displaced by an orientation of the frame relative to the display.

Consequently, for all the reasons given above, the rejection is maintained.

Conclusion

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: Jason D'Aprile, *Virtua Squad*, <http://www.cdmag.com/action_vault/virtua_squad_review/article.html>, (1997), downloaded from the Internet Nov. 18, 2002 describes the video game *VIRTUA SQUAD*.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

Steven Ashburn
November 19, 2002



MARK SAGE
PRIMARY EXAMINER